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February 17, 2016

VIA ECF (COURTESY COPY VIA HAND DELIVERY; ORIGINAL FILED BY ECF)

Hon. Raymond J. Dearie, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Eduardo Li v. Certain Underwriters at Lloyd's London, et. Al.
Civil Action No. 15-cv-06099-RJD**

Dear Judge Dearie:

We are attorneys for plaintiff, Eduardo Li, in this insurance coverage action. Mr. Li seeks leave to file the enclosed February 17, 2016 email from Chubb Assistant Vice-President Tracy S. Tkac in further support of Mr. Li's motion for a preliminary injunction that is pending before this Court. In opposition to Mr. Li's motion, Defendants contended that Mr. Li failed to demonstrate irreparable harm because he is covered under an unrelated insurance policy issued by Federal Insurance Company a.k.a. Chubb ("Federal"). In further support of his motion, Mr. Li submitted an email from Mr. Tkac, attached as Exhibit A to the December 21, 2015 Declaration of Burt M Garson, stating that, as of November 30, 2015, Federal had already paid out more than half of its policy limit. Now, as set forth in his enclosed February 17, 2016 email, Mr. Tkac has informed Mr. Li's criminal defense counsel, Samuel Rosenthal, that he believes the invoices submitted by all the insureds under the Federal policy exceed the Federal policy limit. Accordingly, no Federal policy limits would remain to fund Mr. Li's mounting defense costs in the underlying criminal action. For this reason, and for the reasons set forth in Mr. Li's prior submissions, Mr. Li requests that this Court grant his motion for a preliminary injunction requiring Defendants to immediately pay his defense costs in connection with the criminal action. We thank the Court in advance for its consideration.

Respectfully submitted,



Robin L. Cohen

Enclosure

McKool Smith

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From: Tkac, Tracy S [<mailto:ttkac@chubb.com>]
Sent: Wednesday, February 17, 2016 10:52 AM
To: Rosenthal, Samuel
Subject: RE: Eduardo Li;concacaf policy

Sam,

Currently, I believe that the invoices submitted from all insureds exceed the limits of the policy. I am now working with our auditors and check processing people to make sure the remaining policy limits are paid out according to the policy terms, timing, etc. If you have any invoices, I would suggest still submitting them, but I do not know if all or any of it would be paid.

CHUBB®

Tracy S. Tkac, Esq.
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ACE and Chubb are now one.

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